

NOTE

Disclosure of Procurement Information

If you have had access to certain sensitive procurement information, you may not disclose that information before the award of the contract to which the information relates (unless permitted by some other law).

4

If Your Government Work Has Related to International Negotiations

Even if you have been involved in international negotiations as a Government employee, you are generally free to go to work for any employer — even one that is involved in international trade. You may also accept employment with a foreign government.

However, if you have been involved during your last year of Government service in certain trade negotiations or negotiations that will eventually lead to a treaty, then you may not assist anyone by using certain non-public information about those negotiations while they are still ongoing — even if you aren’t paid for your advice. For example, you may not disclose the final concessions that the United States would be willing to make in a particular negotiation.

You are free to assist or represent your new employer in a variety of ways, but may not do so on the basis of certain nonpublic information.

The restriction lasts for one year from the date you leave Government service.

5

If You Have Been a High-Level Government Official

Even if you have served in a high-level Government position, you are generally free

to go to work for any employer after you leave Federal service. You can even accept employment with a foreign government. You are also free to contact any part of the Government solely on your *own* behalf — by phone, by letter, or in person.

However, if you have served in a so-called “senior employee” position, your future activities may be affected by restrictions in addition to those discussed in other sections of this pamphlet. The restrictions last for one year from the date you leave your senior employee position and apply even if you aren’t paid for your work. Specifically:

- You may not try to influence any department or agency in which you served during your last year of Government service, on behalf of anyone else (including a new employer), concerning any official matter — even if you were never involved with the matter as a Government employee. (Some former senior employees, however, are allowed to contact certain components of their former department or agency.)
- You may not assist a foreign government or foreign political party in its attempt to influence a decision of any department or agency.

Your ethics official can determine whether you are a senior employee. In general, senior employees include Presidential appointees, flag officers, and some members of the Senior Executive Service (and some high-level employees in similar pay systems).

Former “very senior” employees, such as cabinet officers, are also prohibited from contacting their former department or agency to seek official action on any matter. In addition, they can’t try to influence current high-level officials at any other department or agency. They are also prohibited from assisting a foreign government or foreign political party as described above.

RULES FOR THE ROAD



INTRODUCTION

As an executive branch employee, you have learned much about Government policies, programs, and personnel that could be of use to future employers. Even after you leave your Federal job, some of you may still be able to influence Government decisions.

Congress has passed laws that restrict what you can do after you leave Federal service. Lawmakers tried to prohibit only those activities most likely to cause the public to be concerned about the way the Government does its work. This pamphlet briefly describes those laws.

Depending upon what your job has been in the Government and what you plan to do in the future, some of these laws may not affect you. Most of the laws do not apply to former military enlisted personnel. However, some of them apply even to individuals who only worked for the Government part-time.

In addition to the laws described in this pamphlet, you may have agreed when you accepted your Federal job to be covered by additional restrictions. And, when you leave, you might agree to other limitations in exchange for a separation payment, or “buy-out.” You might also have to comply with laws that apply just to former employees of your agency.

Some special restrictions or obligations may affect you if you have participated in a procurement or in the administration of a contract or had access to certain sensitive procurement information. This pamphlet reflects 1996 procurement law amendments scheduled to be in effect no later than January 1, 1997. Different restrictions applied before that time.

NOTE

When Seeking Future Employment

You may have to avoid working on certain official assignments while you are pursuing

your future job. Ask an agency ethics official for advice before you take *any* steps toward getting a job with someone affected by matters that you are working on for the Government. Also, remember that if you are participating in a procurement, you may have to file a written report if you contact or are contacted by a bidder or offeror about a possible job — even if you immediately reject any offer.

USING THIS PAMPHLET

This pamphlet is divided into several parts, each summarizing one or more restrictions that may affect what you can do when you leave Government service or when you leave certain Government positions. More than one part may apply to you.

The explanations in this pamphlet are only summaries of the actual laws. This pamphlet is not a substitute for counseling. If you have any questions regarding the application of these restrictions, contact an ethics official at your agency.

1

If You Want to Represent Others Before the Government

After you leave your Federal job, you are generally free to go to work for any employer. You are also free to contact any part of the Government solely on your *own* behalf — by phone, by letter, or in person.

You may not, however, try to influence any Federal department, agency, or court on behalf of anyone else (including a new employer) concerning certain kinds of matters — like contracts, grants, or lawsuits — if you were involved with those same matters while you worked for the Government. You do not have to be a “lobbyist” to be affected by the law, and you may be affected even if you are working for a good cause or aren’t being paid for your work.

Unless you served in a “senior” or “very senior” employee position, you are free to try and persuade current Government employees to take action concerning matters in which neither you nor any of your subordinates were ever involved. You may even be able to try to influence current employees about some of your old assignments that did not involve a “party” or “parties,” such as a regulation or legislation that you drafted.

The length of the restriction depends upon how you were involved in the matter while you still worked for the Government. If you were personally and substantially involved in the matter, then the restriction is permanent. If you merely supervised others who did the actual work, then the restriction lasts for two years from the date you leave Government service. The two-year restriction doesn’t apply at all unless your supervision took place during your last year of Federal service.

2

If You Want to Accept Compensation from an Employer that Represents Others Before the Government

After you leave your Federal job, you are generally free to go to work for any employer — even one that represents clients before the Government.

You may not, however, share in profits that your new employer earned as a result of representing clients — in connection with certain kinds of matters — before any Federal department, agency, or court *at a time when you were still a Government employee*. The restriction may affect you even though you were never involved in the matter during your Federal service.

You are generally free to accept a salaried position with any employer. You may even share in partnership profits to the extent they were not earned from representing clients before the Government while you were still a Government employee.

The restriction is most likely to affect former employees who join law, accounting, or public relations firms as partners. As time passes, the restriction is less likely to be an issue since firms will eventually collect past due accounts and distribute the related profits to those firm employees who may accept them.

3

If Your Government Work Has Related to Procurement

Even if you have participated in a procurement or in the administration of a contract, you may be able to go to work for a contractor that does business or seeks to do business with your former department or agency.

For one year, however, you may not accept compensation from a contractor to serve as an employee, officer, director, or consultant if — while working for the Government — you had certain responsibilities or took certain actions relating to a large procurement involving that contractor. The bar against accepting compensation may apply to you whether you participated in the pre-award or post-award phase of the procurement.

For example, you may not accept compensation from a particular contractor if — in connection with a contract awarded to the contractor for more than \$10,000,000 — you served as the procuring contracting officer at the time of award, or as the program manager or administrative contracting officer for the contract. You also may not accept compensation from the contractor if, for example, you approved a contract payment or payment of a claim to that contractor for more than \$10,000,000.

You are free to accept compensation from a division or affiliate of the contractor that does not produce the same kinds of products or services covered by the contract.